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SECURITY COUNCIL
Fiftieth year

Letter dated 19 April 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 19 April 1995 from H.E. Mr. Hasan Muratović, Minister in the Government of the Republic of Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in distributing the present letter and its annex as a document of the forty-ninth session of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Ivan Ž. MIŠIĆ
Ambassador and
Deputy Permanent Representative

ANNEX

Letter dated 19 April 1995 from Mr. Hasan Muratović, Minister in the Government of the Republic of Bosnia and Herzegovina, addressed to the Secretary-General

In connection with the Security Council debate on the extension of the mandate of the United Nations Protection Force (UNPROFOR) in the Republic of Bosnia and Herzegovina, several communications have been forwarded to the Security Council and you by our Government, expressing our concern about the situation of the United Nations mission in our country.

The letter of 29 March 1995 (A/49/880-S/1995/245) from our Permanent Representative in New York, Ambassador Muhamed Sacirbey, was noted in Security Council resolution 982 (1995), which was ultimately adopted on 31 March 1995, and you were asked by the Security Council to respond to the concerns expressed therein, particularly relating to the implementation of the Security Council mandate by UNPROFOR. In the present letter I would like to alert you to the constant erosion of UNPROFOR's mandate on the territory of the Republic of Bosnia and Herzegovina and to the urgency surrounding these concerns, as the situation has deteriorated at an accelerated rate since the adoption of resolution 982 (1995), and we would also like to expand on some of these concerns as well as on certain issues brought forth by the Security Council in its resolution 982 (1995).

We would like to emphasize again that, although we have frequently requested a more responsive UNPROFOR mandate for a Member State such as ours facing aggression and genocide, in the present letter we are focused on the failures to adequately implement the existing mandate. We would also take this opportunity to briefly address the operative issues relating to the mandate as further defined by resolution 982 (1995).

1. Security Council resolution 819 (1993) declared Srebrenica to be a "safe area" while resolution 824 (1993) established new safe areas - Sarajevo, Tuzla, Žepa, Goražde and Bihać - as well as their (immediate) surroundings. With the aim of strengthening their protection and implementing the provisions of the above resolutions, resolution 836 (1993), particularly articles 5, 9 and 10, authorized UNPROFOR, under Chapter VII of the Charter of the United Nations, to defend and deter against attacks against the safe areas and States Members of the United Nations as well as regional organizations and alliances to support UNPROFOR with all necessary measures, including the use of air power, to defend the safe areas.

However, indecision and hesitation by those responsible within the decision-making process to implement the measures envisaged in the mandate has allowed the difficult and tragic situation to persist in all six safe areas, where the aggressor's targeting of civilians goes on unabated. The strangulation of Sarajevo, Goražde, Srebrenica and Žepa continues, as well as the fierce offensive against Bihać. Had our calls been heeded, the Bihać tragedy would have been prevented. We demand that UNPROFOR act in conformity with its obligations with respect to the safe areas, the United Nations and

regional organizations and that UNPROFOR and relevant regional organizations in the Republic of Bosnia and Herzegovina be structured and organized accordingly.

2. Even after almost three years, UNPROFOR has failed to ensure regular deliveries of humanitarian aid to the jeopardized population, especially in the safe areas, including Sarajevo, although it has been authorized to use all means necessary to that end. The quantity and quality of aid delivered have constantly failed to meet the standard norms of the Office of the United Nations High Commissioner for Refugees (UNHCR). The situation in Bihać has been dramatic for months, while the so-called "blue route" Ploče-Sarajevo-Tuzla remains closed to this day. Airdrops have been abandoned because of threats from Karadžić's Serbs, although this has been the most successful operation to date. Therefore, we demand regular relief deliveries to be ensured for all people in need, and that UNPROFOR do so in conformity with the relevant resolutions. The need for "Operation Airdrop" to resume immediately in order to deliver spring seeds and medicines to all besieged enclaves, as well as food for the area of Bihać, is of the most extreme urgency.

3. In the Agreement on the reopening of Sarajevo airport for humanitarian purposes of 5 June 1992, in numerous Security Council resolutions, particularly in resolutions 752 (1992), 761 (1992) and 764 (1992), it was determined that the Sarajevo airport be under the exclusive authority of the United Nations. In keeping with this, UNPROFOR was bound to ensure the normal functioning of the airport, without succumbing to illegal pressure tactics and accepting conditions of the aggressor forces. However, this has not happened, and this is why the airport has been closed for flights for many days now. Because of this and the road blockade, the supply of items such as food, medicines, Action Plan materials plus other necessities as called for by Security Council resolution 900 (1994) and others, has been critically low, providing for an extremely difficult situation in Sarajevo. Therefore, it is necessary to undertake efficient measures provided for in the UNPROFOR mandate and in the agreements concerning normal operation of the airport and unhindered use of the airport-City route, which is also under UNPROFOR's responsibility, for the movement of humanitarian aid convoys. If UNPROFOR is incapable of securing free passage on the route through the Sierra 4 checkpoint, i.e., Kasindol Street, we demand that the airport-Dobrinja-City route be opened without delay to allow delivery of humanitarian aid. We also demand that UNPROFOR ensure free passage across the airport on the Dobrinja-Hrasnica route for people and goods. This means establishing a lifeline which would greatly contribute to the improvement of the humanitarian situation in Sarajevo and its surroundings. We request that special note be taken of the fact that this lifeline does not cross any territories occupied by Bosnian Serbs and that, in accordance with the relevant resolutions, it is possible for UNPROFOR to provide safety on this route. Only by ensuring the functioning of the routes will UNPROFOR be able to practically assist Sarajevo and fulfil a part of its mandate.

4. For more than a year, UNPROFOR has not succeeded in opening the Tuzla airport for humanitarian operations, again because of hesitation to reject Karadžić's illegitimate threats and conditions. The opening of this airport is of great significance for the entire Tuzla region, and particularly for its large refugee population. It should be noted that UNPROFOR has asked for

enormous funds, postponing the airport's opening. We demand that the airport be opened without delay.

5. Despite numerous Security Council resolutions obviating support to Karadžić's Serb paramilitary units, including the imposition of harsh sanctions against temporarily occupied territories of the Republic, the dispatching of troops, so-called "volunteers", and deliveries of arms, ammunition, equipment and services, plus numerous other war materials from Serbia and Montenegro, continue. Support of this kind facilitates aggression and induces further disregard of all peacemaking efforts of the international community. This necessitates reinforced control over the borders of the Republic of Bosnia and Herzegovina with Serbia and Montenegro, as well as over our borders with Croatia and that Republic's United Nations Protected Areas (UNPAs). Efficient methods and instruments are available for this.

It is well known that the implementation of sanctions against Serbia and Montenegro has constantly weakened owing to the reluctance of States Members of the United Nations to apply them consistently. Also, new problems have arisen since the opening of the Zagreb-Belgrade highway, because of inadequate organization and inefficiency of the monitoring factors. This has made possible transit of large quantities of fuel and other materials to Serbia and to the temporarily occupied territories of the Republic of Bosnia and Herzegovina and the Republic of Croatia. We believe that it is necessary to re-evaluate the sanctions imposed by resolutions 757 (1992), 820 (1993) and 942 (1994), with the objective of ensuring their strict enforcement.

6. In the Agreement entered into between the Government of Bosnia and Herzegovina and the United Nations on the status of UNPROFOR of 15 May 1993, it was determined that, among other things, the Government would provide UNPROFOR with premises for the work of its personnel free of charge without recompense only "to the extent possible". However, the related UNPROFOR services have not been forthcoming in resolving these matters, as well as accommodation issues in general. The same is the case with the relocation of certain elements of UNPROFOR in Sarajevo to other sites from the locations needing to be vacated for restoration and return to their proper functions. We need to point out here that UNPROFOR has occupied the premises in question illegally, and in contravention of the Agreement. Therefore we request that a dialogue towards settling these problems commence immediately, with the possibility, if necessary, of signing appropriate annexes in accordance with article 51 of the Agreement of 15 May 1993. We request that you appoint an authorized representative with whom we can work towards resolving these problems within 30 days. Otherwise we shall undertake unilateral measures to find a solution.

Our Government holds the view that the reinstatement of UNPROFOR and its mandate only for the territory of the Republic of Bosnia and Herzegovina, on the basis of resolution 982 (1995), has created important preconditions for adequate reorganization and restructuring of UNPROFOR, which would make for a more efficient and consistent implementation of its mandate. This should and may contribute to motivation and further cooperation and coordination with the legal authorities of the Republic and Federation of Bosnia and Herzegovina. At the same time, this implies renunciation of the practice of making concessions, deals and compromises with the aggressor side, because that jeopardizes and

erodes UNPROFOR's mandate, position and credibility, as well as the credibility of national armies providing contingents for it. We can not further tolerate various agreements and deals between United Nations officials and the Serb aggressor side to the detriment of the efficient implementation of the mandate.

In keeping with your new organization, we expect that the majority of UNPROFOR support structures, including the operation of its headquarters, will soon be relocated to Sarajevo and other parts of the Republic of Bosnia and Herzegovina.

Convinced of you and your associates' full understanding and of your readiness to settle the above-mentioned issues, we expect you, in accordance with paragraph 11 of resolution 982 (1995), to propose appropriate measures for the consistent and efficient implementation of the entirety of UNPROFOR's mandate in the Republic of Bosnia and Herzegovina to the Security Council. We also expect this reorganization to be used as an occasion for re-establishing the credibility of the United Nations in the Republic of Bosnia and Herzegovina. Otherwise, the UNPROFOR mission in the Republic of Bosnia and Herzegovina will be greatly impaired and subject to early termination.

(Signed) Hasan MURATOVIĆ
Minister